

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRANCH BANKING AND TRUST
COMPANY, a North Carolina banking
corporation,

Plaintiff,

v.

SMOKE RANCH DEVELOPMENT, LLC, a
Nevada limited liability company, YOEL INY,
an individual; NOAM SCHWARTZ, nan
individual; YOEL INY, Trustee of the Y & T
INY FAMILY TRUST dated June 8, 1994, as
amended; NOAM SCWARTZ, Trustee of the
NOAM SCHWARTZ TRUST dated August
19, 1999; D.M.S.I., LLC, a Nevada limited
liability company; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 2:11-cv-01778-APG-VCF

Case No. 2:12-cv-00453-APG-NJK

**ORDER REQUIRING DEFENDANT
TRUSTEES TO PRODUCE THE
NAMES AND ADDRESSES OF THE
TRUST BENEFICIARIES TO RECEIVE
NOTICE UNDER NRS § 162.120**

Currently before me are two motions for summary judgment (Dkt. #63 in case no. 2:11-cv-01778, and Dkt. #80 in case no. 12-cv-00453) that may turn, in part, on whether plaintiff Branch Banking & Trust (BB&T) notified each of the trust defendants' beneficiaries about the existence and nature of the respective actions. NRS § 163.120(2) requires that a plaintiff give that notice within 30 days after the filing of lawsuit, or within 30 days after the filing of an early case conference report, whichever is longer. A plaintiff may demand a list of those beneficiaries, and the trustee must comply with that demand within 10 days. Contrary to the trust defendants' argument, the statute does not place a time limit on when the plaintiff can demand that list. BB&T made that demand in both cases, and the trust defendants have not yet complied.

DATED this 3rd day of July, 2014.

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